IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 25226 of 2004

Between:

Sri V. Eshwariah, S/o. V.Chandraiah,
Kotyal Village, Mulugu mandal, Medak District.

..... PETITIONER

AND

1 The Jt. Collector, Medak District at Sangareddy.
2 The Revenue Divsional Officer, Medak District at Siddipet Division.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate Writ, Order or direction more particularly one in the nature of writ of Mandamus declaring the and set aside the notification No.B/1101/2004 dt. 21.12.2004 issued by the R2 for appointment of .P. Shop dealer at Kotyal village, in the place of the petitioner.

Counsel for the Petitioner: MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The authorization of the petitioner, as a fair price shop dealer was cancelled through order dated -12-2004 served on him on 07.12.2004, on the ground that he committed certain irregularities while running the shop. Aggrieved thereby, the petitioner preferred an appeal. The grievance of the petitioner is that even while the appeal is pending, the second respondent issued a notification dated 21.12.2004 proposing to select and appoint a fair price shop dealer for the shop hitherto held by him.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The petitioner availed the remedy of appeal, aggrieved by the order of cancellation of his dealership. The legality or otherwise of the order of cancellation, needs to be determined by the appellate authority, after examining

the record and considering the contentions advanced on behalf of the petitioner. It is not as if the order of cancellation was passed very long back. If any dealer is appointed for that very shop during the pendency of the appeal, several complications would arise and in a way, would foreclose the outcome of the appeal.

For the foregoing reasons, the writ petition is disposed of directing that the second respondent may proceed with the selection process, but shall not issue the orders of appointment to the selected candidates till the first respondent disposes of the appeal preferred by the petitioner against the order of cancellation. There shall be no order as to costs.

31.12.2004

ksld

To

1 The Jt. Collector, Medak District at Sangareddy.
2 The Revenue Divsional Officer, Medak District at Siddipet Division.

3 Two C.Cs. to the Government Pleader for Civil Supplies, High Court

Buildings, A.P., Hyderabad, (OUT).

4 Two C.D. Copies.